

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IGNACIO SALIDO, JR.,

Plaintiff,

v.

BUREAU OF PRISONS,

Defendant.

No. 1:23-cv-01395-JLT-SAB (PC)

ORDER TERMINATING ACTION
PURSUANT TO PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL

(ECF No. 16)

Plaintiff is proceeding pro se in this action filed pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

On March 1, 2024, Plaintiff filed a notice of voluntary dismissal. (ECF No. 16.)

"[U]nder Rule 41(a)(1)(A)(i), 'a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.' " Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993).

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1 Here, no Defendant has filed an answer or motion for summary judgment in this case.
2 Therefore, Plaintiff's notice of dismissal is effective as of the date it was filed, and this case shall
3 be closed. (ECF No. 16.)

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5 IT IS SO ORDERED.

6 Dated: March 4, 2024



UNITED STATES MAGISTRATE JUDGE

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